



Reprinted
February 14, 2001

HOUSE BILL No. 1278

DIGEST OF HB 1278 (Updated February 13, 2001 2:53 PM - DI 77)

Citations Affected: IC 25-20.5; noncode.

Synopsis: Hypnotists. Adds a person who teaches hypnotism to the definition of "hypnotist". Reduces to one year the number of years a person must be certified and the number of years of experience the person must have before they may be appointed to the hypnotist board. Requires the classroom instruction be taught by a certified hypnotist or an exempt licensed health professional. Provides that video tape instruction may not account for more than 50 hours of hypnotism instruction. Removes the prohibition against using or advocating spiritualism while engaged in the practice of hypnotism or advertising hypnotism services. Provides that an individual who practices hypnotism without being certified or exempt commits a Class B misdemeanor. Provides for the issuance of an injunction against a person who violates the hypnotist statutes. Amends an implementation provision allowing an individual to take the state hypnotist examination before July 1, 2005, even if the individual has not fully met the statutory education prerequisite.

Effective: May 1, 2001 (retroactive); May 15, 2001.

Cheney, Klinker, Wolkins

January 9, 2001, read first time and referred to Committee on Public Health.
February 8, 2001, amended, reported — Do Pass.
February 13, 2001, read second time, amended, ordered engrossed.

HB 1278—LS 7150/DI 77+



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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1278

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-20.5-1-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE MAY 15, 2001]: Sec. 5. As used in this
3 chapter, "hypnotist" means an individual who practices hypnotism,
4 **teaches an individual to become a hypnotist**, or trains an individual
5 in self-hypnosis.
- 6 SECTION 2. IC 25-20.5-1-7, AS AMENDED BY P.L.75-2000,
7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 MAY 15, 2001]: Sec. 7. (a) There is created a six (6) member Indiana
9 hypnotist committee to assist the board in carrying out this chapter
10 regarding the qualifications and examinations of hypnotists. The
11 committee is comprised of:
- 12 (1) three (3) hypnotists;
13 (2) one (1) physician licensed under IC 25-22.5;
14 (3) one (1) licensed psychologist who has received a health
15 service provider endorsement under IC 25-33-1-5.1; and
16 (4) one (1) individual who is a resident of Indiana and who is not
17 associated with hypnotism in any way, other than as a consumer.

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(b) The governor shall make each appointment for a term of three (3) years. Each hypnotist appointed must:

(1) be a certified hypnotist for at least ~~three (3) years~~ **one (1) year** under this chapter;

(2) have at least ~~three (3) years~~ **one (1) year** experience in the actual practice of hypnotism immediately preceding appointment; and

(3) be a resident of Indiana and actively engaged in the practice of hypnotism while a member of the committee.

(c) Not more than three (3) members of the committee may be from the same political party. A member of the committee is not required to be a member of a professional hypnosis association. However, no two (2) hypnotist members appointed to the committee may belong to the same professional hypnosis association.

(d) A member of the committee may be removed for cause by the governor.

(e) The board shall appoint a chairman from among the members of the committee.

SECTION 3. IC 25-20.5-1-11, AS AMENDED BY P.L.75-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2001]: Sec. 11. (a) An individual who applies for a certificate as a hypnotist must do the following:

(1) Present satisfactory evidence to the committee that the individual:

(A) does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently;

(B) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a hypnotist without endangering the public; and

(C) has at least three hundred fifty (350) hours of hypnotism education from an Indiana school or program of hypnotism that is approved by the Indiana commission on proprietary education (referred to as "the commission" in this clause) under IC 20-1-19 or from any other state approved school or program that is found by the commission to have requirements as stringent as necessary for the commission's approval of an Indiana school or program of hypnotism including the following:

(i) At least one hundred fifty (150) hours of supervised practice of hypnotism with a qualified supervisor, with not less than one (1) hour of personal supervision for every

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1 fifteen (15) hours of supervised practice.

2 (ii) At least one hundred fifty (150) hours of classroom
3 instruction in the practice of hypnotism **must be conducted**
4 **by a certified hypnotist or an individual who is exempt**
5 **under section 1 of this chapter and who is licensed under**
6 **IC 25.** A classroom hour may not be less than a fifty (50)
7 minute period of instruction with both the instructor and
8 student in attendance. Classroom instruction does not
9 include video tape correspondence courses or other forms of
10 electronic presentation.

11 (iii) ~~At least~~ **Not more than** fifty (50) hours of video tape
12 instruction in the practice of hypnotism. Video tape
13 instruction may be used as a home study assignment.

14 (2) Pay the fee established by the board.

15 (b) An individual may not enroll in a school or program of
16 hypnotism to satisfy the requirement under subsection (a)(1)(C) unless
17 the individual:

18 (1) is at least eighteen (18) years of age; and

19 (2) has graduated from high school or received a:

20 (A) high school equivalency certificate; or

21 (B) state of Indiana general education development (GED)
22 diploma under IC 20-10.1-12.1.

23 SECTION 4. IC 25-20.5-1-24, AS ADDED BY P.L.75-2000,
24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 MAY 15, 2001]: Sec. 24. A hypnotist may not use, advocate, teach, or
26 condone the following practices while engaged in the practice of
27 hypnotism or advertising hypnotism services:

28 (1) Satanism.

29 (2) Satanic rituals.

30 (3) ~~Spiritualism.~~

31 (4) Spirit or demon depossession.

32 SECTION 5. IC 25-20.5-1-25 IS ADDED TO THE INDIANA
33 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
34 [EFFECTIVE MAY 15, 2001]: **Sec. 25. (a) An individual may not**
35 **practice hypnotism unless the individual is certified or exempt**
36 **from the requirement to be certified under this chapter.**

37 **(b) An individual who knowingly violates this section commits**
38 **a Class B misdemeanor.**

39 SECTION 6. IC 25-20.5-1-26 IS ADDED TO THE INDIANA
40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
41 [EFFECTIVE MAY 1, 2001 (RETROACTIVE)]: **Sec. 26. (a) If an**
42 **individual violates this chapter, the attorney general, the**

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committee, or the prosecuting attorney of the county in which an individual violates this chapter may maintain an action in the name of the state to enjoin the individual from continuing in violation of this chapter.

(b) An individual who is enjoined and who violates the injunction shall be punished for contempt of court.

(c) An injunction issued under this section does not relieve an individual person from criminal prosecution but is in addition to any remedy provided under criminal law.

SECTION 7. P.L.75-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2001]: (a) The governor shall make the initial appointments to the Indiana hypnotist committee established by IC 25-20.5-1-7, as added by this act, before July 1, 1997.

(b) Notwithstanding IC 25-20.5-1-7, as added by this act, the initial terms of office of the members of the Indiana hypnotist committee are as follows:

(1) One (1) hypnotist member and the licensed psychologist member for terms of one (1) year.

(2) One (1) hypnotist member and the consumer member for terms of two (2) years.

(3) One (1) hypnotist member and the physician member for terms of three (3) years.

(c) Notwithstanding IC 25-20.5-1-7, as added by this act, an individual appointed to the Indiana hypnotist committee as a member under this SECTION does not need to be certified as a hypnotist. However, a hypnotist member must have completed at least three hundred (300) supervised classroom hours of hypnotism education from a school that is approved by the Indiana commission on proprietary education under IC 20-1-19 or by any other state that has requirements as stringent as required in Indiana. No two (2) hypnotist members appointed to the Indiana hypnotist committee may belong to the same professional hypnosis association (as defined by IC 25-20.5-1-6).

(d) (a) Notwithstanding IC 25-20.5-1-15, as added by this act, an individual who applies for certification to the Indiana hypnotist committee before January 1, 2005, may

(1) be certified as a hypnotist without being required to take the examination if the individual has completed at least three hundred (300) supervised classroom hours of hypnotism education from a school that is approved by the Indiana commission on proprietary education under IC 20-1-19 or by any other state that has requirements as stringent as required in Indiana; or



1 ~~(2)~~ take the examination, notwithstanding the individual's failure
 2 to meet the requirements of ~~IC 25-20.5-1-10(a)(1)(C)~~;
 3 **IC 25-20.5-1-11(a)(1)(C)**, as added by ~~this act~~, **P.L.175-1997,**
 4 **SECTION 7**, if the individual meets the other requirements under
 5 ~~IC 25-20.5-1-10~~, **IC 25-20.5-1-11**, as added by ~~this act~~;
 6 **P.L.175-1997, SECTION 7**, and has had at least ten (10) years
 7 of continued experience in hypnotism or has completed before
 8 July 1, 1997, a course in hypnotism from a state approved school
 9 that included less than three hundred (300) classroom hours.
 10 ~~(c)~~ **(b)** This SECTION expires July 1, 2005.
 11 **SECTION 8. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1278, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, delete "certified licensed" and insert "certified".

Page 2, line 3, strike "three (3) years" and insert "**one (1) year**".

Page 2, delete lines 18 through 42.

Page 3, delete lines 1 through 4.

Page 3, line 17, reset in roman "three".

Page 3, line 17, delete "five".

Page 3, line 17, reset in roman "fifty (350)".

Page 3, line 17, delete "(500) classroom".

Page 3, line 25, delete ".".

Page 3, line 25, reset in roman "including the following:".

Page 3, reset in roman lines 26 through 29.

Page 3, line 30, reset in roman "(ii) At least one".

Page 3, line 30, delete "The five".

Page 3, line 30, reset in roman "fifty (150)".

Page 3, line 30, delete "(500)".

Page 3, line 31, reset in roman "in the practice of hypnotism".

Page 3, line 31, delete ".".

Page 3, line 32, delete "licensed" and insert "**certified**".

Page 3, line 32, after "hypnotist" insert "**or an individual who is exempt under section 1 of this chapter and who is licensed under IC 25**".

Page 3, line 37, reset in roman "(iii)".

Page 3, line 37, after "At least" insert "**Not more than**".

Page 3, line 37, reset in roman "fifty (50) hours of videotape instruction in the".

Page 3, reset in roman lines 38 through 39.

Page 4, delete lines 7 through 42.

Delete page 5.

Page 6, delete lines 1 through 35.

Page 7, line 6, delete "licensed" and insert "**certified**".

Page 7, line 7, delete "licensed" and insert "**certified**".

Page 7, line 9, delete "Class D felony" and insert "**Class B misdemeanor**".

Page 7, delete lines 23 through 24.

Page 8, line 8, reset in roman "certification".

Page 8, line 8, delete "licensure".



Page 8, delete lines 26 through 42.

Page 9, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1278 as introduced.)

BROWN C, Chair

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1278 be amended to read as follows:

Page 2, line 5, strike "three (3) years" and insert "**one (1) year**".

Page 2, line 20, reset in roman "certificate".

Page 2, line 21, delete "license".

(Reference is to HB 1278 as printed February 9, 2001.)

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